

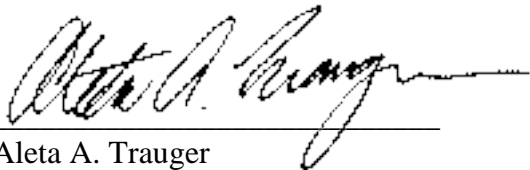


factual allegations demonstrating that “he is in custody in violation of the Constitution or laws or treaties of the United States”. 28 U.S.C. § 2254(a); Koontz v. Glossa, 731 F.2d 365, 368 (6th Cir. 1984). The petitioner has not made such a claim. Rather, he believes that his sentence is too long due to a misapplication of state law. This claim does not suggest custody in violation of federal law. Therefore, the petitioner has failed to state a claim upon which habeas corpus relief can be granted.

For that reason, the petition is DENIED and this action is hereby DISMISSED. Rule 4, Rules --- § 2254 Cases.

Should the petitioner give timely notice of an appeal from this order, such notice will be treated as an application for a certificate of appealability, 28 U.S.C. § 2253, which will NOT issue because the petitioner has failed to make a "substantial showing of the denial of a constitutional right".

It is so ORDERED.

  
Aleta A. Trauger  
United States District Judge